

REMARKS

Claims 1 and 12-37 constitute the pending claims in the present application. Claims 18-20, are withdrawn from consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

The Examiner is advised that the following applications contain subject matter that may be related to the pending claims in the present application.

Application Serial Number	Attorney Docket Number
10/714,677	CDSI-P04-022
11/635,161	CDSI-P05-022
10/096,877	CDSI-P02-044
11/081,142	CDSI-P03-044

In particular, Applicants would like to draw the Examiner's attention to the fact that substantive examination may have occurred in these applications, and Applicants invite the Examiner to review any Office Actions that have issued or will issue in these cases. At the Examiner's request, we will provide copies of any Office Actions and/or responses to Office Actions that have issued in these applications. By bringing these applications to the Examiner's attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. 122.

Double patenting. Claims 1, 12-19, and 21-37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 43, 46, 49, 50, 55, 58, 61, 63-67, and 70-74 of copending application 10/096,877. Applicants will address this rejection when it is no longer provisional.

Rejection based on 35 U.S.C. 103(a). Claims 1, 12-17 and 21-37 are rejected under 35 U.S.C. as being unpatentable over Smith (5,378,475) in view of Visser (5,935,597). Applicants traverse this rejection to the extent it is maintained over the claims as amended.

The Office Action states that Smith teaches a sustained release drug delivery system including an inner core, a first coating layer, which is impermeable to the passage of agent, and a second coating layer which is permeable to the passage of agent. The first coating layer covers at least a portion of the inner core and the second layer essentially completely covers the first coating layer and the uncoated portion of the inner core. Finally, the Office Action states that the coatings taught by Smith are sufficient to meet the limitation of a dimensionally stable inner tube capable of supporting its own weight.

Applicants have amended the claims such that the sustained drug delivery system of the pending claims now includes an outer layer (corresponding to the second layer of Smith) which covers only a portion of the inner tube. In contrast, the second layer of Smith essentially completely covers the first layer and the uncoated portion of the inner core of the device. Applicants therefore assert that Smith does not teach or suggest all of the elements of the claims. Applicants respectfully request reconsideration and withdrawal of this rejection.

The Office Action states that Smith does not teach the antiviral agent nevirapine and cites Visser which teaches drug delivery devices comprising antiviral agents, such as nevirapine. The Office Action further states that it would have been obvious to one of ordinary skill in the art to incorporate nevirapine within a device of Smith. Applicants assert that since Smith does not teach all of the elements of the device, the teachings of Visser are not sufficient to overcome the deficiencies of Smith. Applicants therefore assert that neither Visser nor Smith, either alone or in combination, teaches all of the elements of the claims. Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Applicant believes no additional fee is due with this response, aside from the Petition for Extension

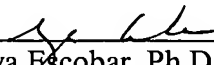
Application No. 10/713,336
Amendment dated January 7, 2008
After Final Office Action of September 8, 2008

Docket No.: CDSI-P01-030

of Time. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. CDSI-P01-030 from which the undersigned is authorized to draw.

Dated: January 7, 2009

Respectfully submitted,

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